

REMARKS

Claims 10, 11, 20 are in the case, with claims 18, 23, and 27-30 having been withdrawn without prejudice in response to a previous requirement for restriction.

35 U.S.C. 103

Claims 10, 11, and 20 have been rejected under 35 U.S.C. 103(a) over Gundewar et al. (U.S. Patent No. 6,381,610, hereinafter Gundewar).

Gundewar describes a method of automated project planning, based on templates (Col. 1, lines 49-55) and associated work flow (Fig. 4).

On the other hand, applicants' claims are specific to a general procurement and accounts payable business system and process, and the way such systems are supported once deployed. In particular, applicant's claims relate to the integration of enterprise and service provider teams for operational ongoing support and quality assessment of the

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activities of the service provider team by the enterprise team.

The Examiner concludes that the claims as previously amended were deficient for having recited intended use which fails to distinguish over Gundewar. The Examiner then provides a helpful note to the effect that "if the examples of intended use are positively recited as steps that are actually performed and the non-functional data is actively recited as being used to perform positively recited steps that require use of the buttons recited as well as other tasks..., then [the claims] would likely become allowable over the prior art of record." [Office Action, page 11 with respect to claim 20. A similar note at page 7 refers to claims 10 and 11.]

Applicants have amended system claims 10 and 20 (claim 11 depends from claim 10) as suggested by the Examiner to recited the steps performed and the use of recited structures in those steps.

While applicants have amended these claims to recite these structural differences with respect to Gundewar, they traverse the suggestion of the Examiner that Gundewar

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discloses a system for enterprise team members to monitor and assure quality of services provided by a third party service provider.

The Examiner cites Gundewar (col. 3, lines 16-17, col. 4, lines 15-51, and col. 6, lines 60-64), and characterizes these as teaching:

"Users in charge of completing or planning project planning tasks can access the necessary templates that guide them through company or industry standards 'without requiring the user to be familiar with such standards' ..."

So far, correct.

"...thereby implying that a third party (i.e., someone external to each user) programs the templates in light of company or industry standards.) [Office Action, page 4.]

Applicants traverse, to the extent that the Examiner is here suggesting that the implied third party is applicants "third party service provider". A third party service

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provider in applicant's invention is one who, as the claims state, manage "...said resulting general procurement and accounts payable application for a selected customer of said enterprise." Further, as is specific in claims 11 and 20, it is the enterprise team that "programs the templates", that is, creates the tasks that are to be used by the provider team in managing the application, and then uses data input by the service provider to assess the quality of the services provided to the customers of the enterprise by the service provider. This is not taught by Gundewar.

Applicants urge that amended claims 10, 11, and 20 be allowed.

Double Patenting

Claims 10, 11, and 20 have been rejected on the ground of nonstatutory obviousness-type double patenting with respect to U.S. Patent Nos. 6,684,191, 6,714,915, 6,738,746, and 6,687,677.

To overcome this rejection, applicants submit herewith terminal disclaimers with respect to each of the cited patents.

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Non-elected Invention

Applicants have canceled without prejudice claims 18, 23, and 27-30 drawn to a non-elected invention.

Conclusion

Applicant request that the above amendment be entered and the case passed to issue with claims 10, 11, and 20.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707.02(j) and 707.03 in order that allowable claims

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can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Sincerely,

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Date: 28 Apr 2006

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